D.B. CIVIL SPECIAL APPEAL(W) NO.706/2006

Durga Vihar Vikas Samiti (Regd.)
Vs.
State & Ors.

Date of Order :: 13-11-2006

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri Pushpendra Bhati, for the appellant.
Shri A.K. Rajvanshy, for U.I.T.
Shri S.K. Vyas, G.A., for State.

This special appeal is directed against the order of the learned Single Judge dated 19.9.2005 in SBCWP no.1159/2005 rejecting the appellants' application for impleadment in the case.

The dispute relates to land which is said to be park land in Balsamand area in the town of Jodhpur. The appellants claim to be in possession of part of the land measuring 126 feet x 126 feet. Without going into the merit of the appellants' claim; for, the writ petition is pending before the Singh Bench, we are of the view that it would be in the interest of justice to give them opportunity of hearing as intervenor. We accordingly modify the order of the learned Single Judge and permit the appellants to intervene in the proceedings.

We are informed that the S.B. Civil Writ Petition no.1159/2005 is fixed for tomorrow i.e. 14/11/2006 before the Single Bench. In that view of the matter, it is not necessary to pass any interim order as prayed for by the appellants.

The appeal stands disposed of.

[MOHAMMAD RAFIQ],J. [S.N.JHA],CJ.

Praveen